

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Before the Board of Patent Appeals and Interferences**

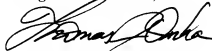
**In re the Application**

**Inventor** : **Redert et al.**  
**Application No.** : **10/542,137**  
**Filed** : **July 12, 2005**  
**For** : **Full Depth Map Acquisition**

**APPEAL BRIEF**

**On Appeal from Group Art Unit 2625**

**Daniel Piotrowski**  
**Registration No. 42,079**



**Date: December 27, 2009**

**By: Thomas J. Onka**  
**Attorney for Appellants**  
**Registration No. 42,053**

**Sir:**

**In response to a Notification of Non-Compliant Appeal Brief dated  
November 30, 2009, Appellant submits the following revised "Status of Claims:"**

### **III. STATUS OF CLAIMS**

Claims 1-10 and 12 are currently in the application. The application as filed on July 12, 2005 contained claims 1-8 and 10-11. In the June 18, 2008 Office Action this error in numbering was noted by the examiner who stated in Paragraph 1: "Misnumbered claims 10 and 11 have been renumbered 9 and 10." Subsequently, when appellant added a new claim in his March 19, 2009 amendment, it was labeled as "claim 12." The June 16, 2009 Office Action in response to this amendment advised appellant that his new claim "should have been numbered as claim 11" (at Paragraph 3). An amendment after final, attempting to renumber this claim as "claim 11," was denied entry by the examiner in his August 31, 2009 Advisory Action.

In summary, claims 1-10 and 12 are currently in the application -- the original claim 11, as filed, having been renumbered as claim 10.